



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,661	07/12/2001	Eatamar Drory	P-3311-US	2007

27130 7590 09/07/2004

EITAN, PEARL, LATZER & COHEN ZEDEK LLP  
10 ROCKEFELLER PLAZA, SUITE 1001  
NEW YORK, NY 10020

EXAMINER

PATEL, DHAIRYA A

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 09/07/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/902,661

Applicant(s)

DRORY ET AL.

Examiner

Dhairya A Patel

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Application number 09/902,661 was filed on 7/12/2001. Claims 1-4 are subject to examination.

***Drawings***

2. The drawings are objected to because of misprinting. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected because in paragraph 12 it states "The system of FIG.28". Figure 28 is not found in the drawing. It should have been "The system of FIG.2B". Appropriate correction is needed.

***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method for Unified Messaging via Standard Internet Mail Protocols.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claim 1 rejected under 35 U.S.C. 102(e) as being unpatentable by Welkart et al. U.S. Patent # (6,212,535) hereinafter Welkart.

As per claim 1, Welkart teaches a method for handling electronic messages in a network,(column 1 lines 23-24) the method comprising the steps of:

-each said message having mailing details and content, said content being in first format.(column 1 lines 25-26).

-converting said first format of each said messages into a second format storable as an attachment to an e-mail;(column 1 lines 26-29).

-creating an e-mail message with said mailing details and said converted content, and having said converted content as an attachment.(column 1 lines 28-31).

6. Claim 2 rejected under 35 U.S.C. 102(e) as being unpatenable by Cleron et al.  
U.S. Patent # (6,223,213) hereinafter Cleron.

As per claim 2, Cleron teaches a messaging system (column 1 line 59)  
comprising:

-a server, constructed to receive messages and to create e-mail messages;  
and (column 1 lines 66-67) (column 2 line1)  
-a storage device in operable connection with said server, (column 1 lines 59-62)  
-a streaming unit to stream e-mail messages to a user, in operable connection  
with said server (column 1 lines 66-67) (column 2 lines1-6)  
-means for providing e-mail messages to users without requiring said users to  
locally store said messages. (Column 2 lines 17-20).

7. Claim 3 rejected under 35 U.S.C. 102(e) as being unpatenable by Alam et al.  
U.S. Patent # (6,104,500) hereinafter Alam.

As per claim 3, Alam teaches a messaing server comprising:  
-conversion unit, constructed to convert a first format of message(column 14 13-  
14) received in said server into an e-mail with an attachment and mailing details.  
(column 14 lines 13-26).

8. Claim 4 rejected under 35 U.S.C. 102(e) as being unpatenable by Man-Hak Tso  
et al. U.S. Patent # (6,185,625) hereinafter Man-Hak Tso.

As per claim 4, Man-Hak Tso teaches a method for enabling stream retrieval of stream type content from a Multi Purpose Internet Mail Extension (MIME) format storage in an Internet Messaging Access Protocol 4 (IMAP4) complaint network, comprising the steps:

- analyzing the MIME data construction of said incoming stream type content;(column 14 lines 22-25)

- decoding base decoding of said analyzed MIME data contruction; (column 14 lines 22-25 lines 25-30).

- performing a second, multi-part MIME tree analysis of said decoded data; (column 14 lines 34-41)

- reconstructing said second analyzed data in a stream-compatible data construction to generate an outgoing stream data construction asynchronous with said incoming stream data,(column 15 lines 59-65).

- wherein said incoming stream type content and said outgoing data stream are asynchronous with each other.(column 15 lines 63-65).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Man-Hak Tso et al. U.S. Patent # (6,185,625) hereinafter Man-Hak Tso in view of Guck et al. U.S. Patent # (5,794,039) hereinafter Guck.

Man-Hak Tso Man-Hak Tso teaches a method for enabling stream retrieval of stream type content from a Multi Purpose Internet Mail Extension (MIME) format storage in an Internet Messaging Access Protocol 4 (IMAP4) complaint network, comprising the steps:

- analyzing the MIME data construction of said incoming stream type content;(column 14 lines 22-25)
- decoding base decoding of said analyzed MIME data contruction; (column 14 lines 22-25 lines 25-30).
- performing a second, multi-part MIME tree analysis of said decoded data; (column 14 lines 34-41)
- reconstructing said second analyzed data in a stream-compatible data construction to generate an outgoing stream data construction asynchronous with said incoming stream data,(column 15 lines 59-65).
- wherein said incoming stream type content and said outgoing data stream are asynchronous with each other.(column 15 lines 63-65).

Man-Hak Tso does not teach the format storage in an Internet Messaging Access Protocol (IMAP4) complaint network.

Guck teaches the format storage in an Internet Messaging Access Protocol (IMAP4) complaint network. (column 10 lines 59-61). It would have been obvious to one

of ordinary skill in the art at the time of applicant's invention to implement Guck's way of using IMAP4 complaint network in order to retrieve the messages from the network.

The motivation for doing so would have been to use IMAP4 complaint network because when an e-mail message is normally sent it retrieved from the server normally by IMAP4.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- "Message Store and Forward System" U.S. Patent # 6,202,086 by Maruyama, Tomoaki

11. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A Patel whose telephone number is 703-305-0457. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 703-305-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAP

  
ZARNI MAUNG  
PRIMARY EXAMINER